

**Appeals to the U.S. District Court from a Judgment, Order or Decree of the
Bankruptcy Judge**

On 1/1/06, the U.S. District Court for the District of Rhode Island adopted new local rules for the first time since 1971. Among these new rules are procedural changes with regard to the appeal of an order of the Bankruptcy Court. This memo will briefly address some of the new requirements. It is recommended that parties familiarize themselves with the rules in their entirety, which can be found on the District Court website at www.rid.uscourts.gov.

PLEASE NOTE: As stated below in LR Gen 109(f)(5)(C), the Bankruptcy Judge is now authorized to dismiss an appeal if the designation of record does not conform in the manner specified in paragraph (6)(C) below. Because of the new requirement that copies of items designated be tabbed and arranged in reverse chronological order, the items designated cannot be electronically filed. Parties may e-file their designations of record without copies *in addition* to paper-filing the **tabbed** designation in the manner described below.

Procedural changes in appeals in to the District Court include, but are not limited to the following:

★ **LR Gen 109(f)(4) Extension of time by a Bankruptcy Judge.** Extensions of time for filing motions for leave to appeal and designations of the record or issues on appeal may be granted by the Bankruptcy Judge for a period not to exceed thirty (30) days.

★ **LR Gen 109(f)(5) Dismissal of Appeals by the Bankruptcy Judge.** The Bankruptcy Judge may now dismiss an appeal if:

A) the appeal is not timely filed pursuant to Fed R Bankr. P. 8002;

B) the appellant has failed to file a designation of record or statement of issues within the time specified by Fed R Bankr. P.. 8006 or any extension thereof;

C) the appellant has failed to comply with LR Gen 109(f)(6) - discussed below.

★ **LR Gen 109(f)(6) Record on Appeal.** In addition to any other applicable requirements, the Designation of Record on Appeal filed with the Bankruptcy Court and transmitted by the bankruptcy clerk to the District Court shall include the following:

A) the judgment, order or decree of the bankruptcy judge that is the subject of the appeal;

B) any written decision(s) and a *transcript of any oral decision(s)* by the bankruptcy judge statement the reasons for the judgment(s), order(s) and/or decree(s) referred to in subparagraph (a);

C) the record on appeal, as to which the appellant (or the appellee if they so choose to file

a designation of record) shall be responsible for seeing that each document is tabbed and arranged in reverse chronological order.

D) a statement of issues on appeal.

LR Gen 109(f)(6)(E) also requires that a certified copy of the docket be included in the record. The bankruptcy clerk shall produce this to be included in the record. Click here to view [LR Gen 109](#) in its entirety.